



# City Council

## Regular Meeting

~ Minutes ~

1408 Lake Street South  
Forest Lake, MN 55025  
[www.ci.forest-lake.mn.us](http://www.ci.forest-lake.mn.us)

Karin Derauf, Deputy City Clerk

Monday, July 10, 2023

7:00 PM

City Center - Council Chamber

[City of Forest Lake - Livestream and Recorded Meetings](#)

### 1. Call to Order

### 2. Roll Call

Attendee Name	Title	Status	Arrived
Mara Bain	Mayor	Present	
Sam Husnik	Councilmember	Present	
Hanna Valento	Councilmember	Present	
Leif Erickson	Councilmember	Present	
Blake Roberts	Councilmember	Present	

### 3. Pledge of Allegiance

### 4. Approve the Agenda (Action)

Comments:

Motion to: Approve the Agenda

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Hanna Valento, Councilmember
<b>SECONDER:</b>	Leif Erickson, Councilmember
<b>AYES:</b>	Bain, Husnik, Valento, Erickson, Roberts
<b>NAYS:</b>	
<b>ABSTAIN:</b>	
<b>ABSENT:</b>	

### 5. Legislative Update

Comments: Senator Karin Housley and Representative Patti Anderson provided insight into the most recent legislative session at the State level including legalization of marijuana, and paid family medical leave. Representative Anderson commented that there have been many changes and noted that some funding that was secured for the City of Forest Lake. She commented on Eureka Avenue and the wetland issues at Forest Lake and Hugo border. She also noted that funding is in place for the Veterans Memorial Park. Senator Housley thanked the Mayor for answering all the questions that were asked to secure funding. Senator Housley thanked Bob Dettmer as well as Ron Miller, with the Veteran’s group, for their part in advocating for the Veteran’s Memorial Park.

### 6. Open Forum – Citizen Petitions, Requests, and Concerns



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*The Open Forum is available for residents to express personal opinions for any item of business. Please limit your comments to three (3) minutes.*

Comments: Gary Lee, President of Forest Lake Lions, commented that he would like to understand the needs of Forest Lake. He provided a brochure citing all the agencies that receive funding from the Lions and asked the Council and Community for feedback to ensure no local agencies or organizations are missed if they have needs.

### 7. Consent Agenda Considerations (Action Items)

Comments:

- a) Approve City Bills
- b) Approve Minutes from June 26, 2023 Regular Council Meeting
- c) Revive Church – Outdoor Entertainment Permit
- d) MELO LLC – Massage Business License
- e) Laura Olds – Massage Individual License
- f) 2022-2023 Lift Station and Forcemain Project – Contractor Request for Payment No. 7
- g) Resolution 07-10-23-01 - Forest Lake Downtown Stormwater BMPs Project - Bid Results and Award Recommendation

**Motion to:** Approve Consent Agenda Items 6. a. through 6. g.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Sam Husnik, Councilmember
<b>SECONDER:</b>	Leif, Erickson, Councilmember
<b>AYES:</b>	Bain, Husnik, Valento, Erickson, Roberts
<b>NAYS:</b>	
<b>ABSTAIN:</b>	
<b>ABSENT:</b>	

### 8. Regular Agenda (Action Items)

#### a. Northern Natural Gas Appellant Hearing

Comments: City Attorney, Amanda Johnson, provided legal commentary regarding the appellant hearing for Northern Natural Gas. She noted that the hearing timeframe has passed as part of the 60-Day requirement and that Council has no legal authority to hold a hearing. She did explain the legal requirements and asked Council to minimally allow the appellants and Northern Natural Gas to provide their comments on the issue. She also recommended that the appellants' fees for filing an appeal be refunded and that there would be no attorney fees for work on this item.



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Emily Juelfs, Resident, provided comments regarding the appeal that she filed. She commented that the Community Development Director has been deceitful along with the Mayor regarding the steps that were followed for the appeal process. She chronologically cited her account of filing the appeal and several items that were included in her appeal.

Richard Juelfs, Resident, provided comments regarding the 60-day rule indicating the City failed to notify anyone of the extension option. He noted that his appeal was received on a timely basis as was his fees and that he will be pursuing legal action against Northern Natural Gas and the City of Forest Lake. He also commented on the notice of a special meeting held on June 1, 2023, at Castlewood Golf Course. He noted specifics of pipeline safety issues and potential accidents.

Steve Martinas, Northern Natural Gas Representative, provided comments noting that they are regulated by FERC, Federal Energy Regulation Commission, and FEMSA and cited federal statute which pre-empts any decisions by the City or City bodies.

Bruce Bain, Resident, commented that methane is very lethal, he also commented on how he heats his home with propane and electric and does not consider gas. He cited a portion of the timeline indicating that if he had approached the federal agency, FERC, he still would not have had time to stop the pipeline from coming in. He also indicated that the representative from Northern Natural Gas was providing checks or money to residents.

Dean Lopez, Resident, commented that Northern Natural Gas paid him as part of the easement use and then later came back to him and said they needed to remove trees. He indicated that they paid him \$25,000 to remove the trees and then later provided a tax statement for receiving money from them that he would have to claim on his taxes. He also noted that only three of the trees removed were on his property.

Mayor Bain asked Community Development Director Wittman to provided comment regarding the issue. Community Development Director Wittman noted that CUP's are allowed and the City has the right to add conditions to permits. Mayor Bain asked about some of the specifics of what the Planning Commission approved. City Attorney Johnson pointed out the criteria for granting a CUP in the specified area. Mayor Bain indicated she was seeking clarification for full disclosure and transparency of what is within the City's jurisdictional control.

Councilmember Husnik commented on the criteria that was provided to the Planning Commission for granting a CUP and expressed that the Commission decision was correct. Councilmember Erickson asked about "proposed use". City Attorney Johnson noted that the proposed use is for the wetland areas. Councilmember Roberts commented that the process that was followed doesn't seem right. Councilmember Erickson asked about a loop in a different location. City Attorney



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Johnson commented that the City has no legal authority over valve placement indicating that Northern Natural Gas is in private agreement for easement use.

**Motion to:** Find That the Two Appeals Challenging the Approval of Northern Natural Gas's CUP Are Moot in Accordance with Minn. Stat. § 15.99 and *Moreno V. City of Minneapolis*

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mara Bain, Mayor  
**SECONDER:** Hanna Valento, Councilmember  
**AYES:** Bain, Husnik, Valento, Erickson, Roberts  
**NAYS:**  
**ABSTAIN:**  
**ABSENT:**

**Motion to:** Find That Northern Natural Gas Has a CUP Approval by Operation of Law Under the Requirements of Minn. Stat. § 15.99 and *Moreno V. City of Minneapolis*

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mara Bain, Mayor  
**SECONDER:** San Husnik, Councilmember  
**AYES:** Bain, Husnik, Valento, Erickson, Roberts  
**NAYS:**  
**ABSTAIN:**  
**ABSENT:**

**Motion to:** Refund Appeal Fees that Were Paid for the Appeals Submitted

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mara Bain, Mayor  
**SECONDER:** Leif Erickson, Councilmember  
**AYES:** Bain, Husnik, Valento, Erickson, Roberts  
**NAYS:**  
**ABSTAIN:**  
**ABSENT:**



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**Motion to:** Find That the Planning Commission Correctly Applied the Legal Criteria for Approving the Floodplain CUP

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Sam Husnik, Councilmember
<b>SECONDER:</b>	Hanna Valento, Councilmember
<b>AYES:</b>	Bain, Husnik, Valento, Erickson, Roberts
<b>NAYS:</b>	
<b>ABSTAIN:</b>	
<b>ABSENT:</b>	

**b. Resolution 07-10-23-02 - 7417 North Shore Trail Lot Line Adjustment**

Comments: Community Development Director Wittman provided comment on a property line adjustment at 7417 North Shore Trail. She provided specifics of the request. She noted that the City is not legally required to make notice to surrounding residents, and there has been no comments submitted. She indicated that there is public benefit of approving the deed for property swap.

**Motion to:** Resolution No. 07-10-23-02 Authorizing the Lot Line Adjustment of 7417 North Shore Trail North and Accepting Land for a Portion of North Shore Trail

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Blake Roberts, Councilmember
<b>SECONDER:</b>	Sam Husnik, Councilmember
<b>AYES:</b>	Bain, Husnik, Valento, Erickson, Roberts
<b>NAYS:</b>	
<b>ABSTAIN:</b>	
<b>ABSENT:</b>	

**c. Resolution 07-10-23-03 - Declaration of Official Intent of the City of Forest Lake to Reimburse Certain Expenditures from Proceeds of Bonds to be Issued by the City**

Comments: Finance Director Knopik commented on funding for the Eureka Avenue Project noting that when bonds are issued a resolution is needed to claim the reimbursement for the City.

**Motion to:** Approve Resolution 07-10-23-03 for the Declaration of Official Intent of the City of Forest Lake to Reimburse Certain Expenditures from Proceeds of Bonds to be Issued by the City



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**RESULT:**           **ADOPTED [UNANIMOUS]**  
**MOVER:**           Hanna Valento, Councilmember  
**SECONDER:**       Leif Erickson, Councilmember  
**AYES:**             Bain, Husnik, Valento, Erickson, Roberts  
**NAYS:**  
**ABSTAIN:**  
**ABSENT:**

### d. Authorize Preparation of Plans and Specifications for Eureka Avenue Improvements

Comments: City Engineer Goodman provided information for Eureka Avenue Improvements noting that the project can be done in 2024 in conjunction with the State and County beginning construction on Hwy. 97. He noted that the ADA Fishing Pier has been declared not eligible for funding. Engineer Goodman provided additional information about the project plans. There was further discussion by Engineer Goodman and comments from Council. Commissioner Roberts asked if there would be opportunity for public comment and feedback. Engineer Goodman indicated there will be time available for commenting.

**Motion to:** Approve Preparation of Plans and Specifications for the Eureka Avenue Improvements Project

**RESULT:**           **ADOPTED [UNANIMOUS]**  
**MOVER:**           Sam Husnik, Councilmembers  
**SECONDER:**       Hanna Valento, Councilmembers  
**AYES:**             Bain, Husnik, Valento, Erickson, Roberts  
**NAYS:**  
**ABSTAIN:**  
**ABSENT:**

## 9. Discussion

### a) Hidden Creek Council Request

Comments: Community Development Director presented information on Hidden Creek and noted that in 2022 the City extended time on the Preliminary Plat until February 2024. She provided information on the most current rendition of Phase 1 with twenty-two (22) proposed lots. She highlighted the three (3) requests from the developer noting they are policy-based requests and that Staff needs direction from Council to help the developer move forward. The requests include a reduction of neighborhood roadway widths, a waiver from water main looping requirements, and a



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reconsideration of Headwater Parkway design and/or cost share options. She indicated that if any or all three of these requests are granted, it can set precedence for the future.

Paul Bruggeman and John Dobs, Developers, were available for comment and summarized the information that was presented by Community Development Director Wittman. He indicated they are okay if the City doesn't grant the request for street width reduction. He also noted that development costs have gone up 15% in the past twelve (12) months. He commented that the rate in 2022 for them to borrow money was 3% and is now 8.5%. He provided additional comment about the water main and the redesign of Headwaters Parkway. City Engineer Goodman also provided comment on the Headwaters Parkway and any changes as it relates to the amount of traffic expected. John Dobs provided additional comments about the site and the watershed. Paul Bruggeman commented that Headwaters Parkway currently goes nowhere indicating that he understands the concern of Staff but that they don't want to spend excess funds in Phase 1. Paul indicated that they are agreeable to grade and prep the road, but only pave half of it.

Councilmember Roberts asked about the original Headwaters Plans. City Engineer Goodman explained the original design and the expectations of where Headwaters Parkway was to go along with consideration of adjoining roadways and expected traffic counts. Mayor Bain noted that language can be written in a development agreement in regard to long-term use. City Administrator Casey commented that he feels it's important to retain the overall design of Headwaters Parkway with two lanes in both directions. Councilmember Roberts commented on policy change and that it will be necessary to look at long-term use. Mayor Bain commented that it sounds like Council is open to a temporary design as long as there is a specified long-term solution.

There was discussion about water main requirements and City Engineer Goodman commented on fire department concerns, water quality, pressure, and other issues of why Staff recommends a 4-inch line to close the water main loop. There was additional discussion regarding several issues and considerations about the development plans. Councilmember Valento commented on safety regarding street width and the need for sidewalks on both sides of the road. Councilmember Husnik provided an example of 4<sup>th</sup> Street and vehicles parked on both sides of the street making it difficult for vehicles pass through.

### 10. Staff Updates

Comments: Deputy City Clerk Derauf commented that Council was sent an email regarding training for the Local Board of Appeal and Equalization Meeting held in April.

Community Development Director Wittman gave a big thanks to Rick, Park Ranger, who worked the July 4<sup>th</sup> Event at the Park by himself. Commissioner Roberts asked for an update on Beltz Park.



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Community Development Director Wittman indicated she will bring back the updates showing the phases and work that will be done.

City Administrator Casey commented that he attended the July 4<sup>th</sup> Fireworks and thanked the Fire and Police Departments for all their support during the event.

Public Works Director Adams commented that the City is in severe drought status and he is monitoring the situation. He noted that he may bring information forward to a future meeting regarding a watering ban.

### 11. Mayor and City Council Updates

Comments: Councilmember Roberts commented on the July 4<sup>th</sup> and additional upcoming events. Councilmember Husnik commented that he attended the School Board Meeting noting it is their 113<sup>th</sup> year. Mayor Bain thanked Staff for all their work and efforts at the July 4<sup>th</sup> Event.

### 12. Adjourn

Motion to: Adjourn

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Hanna Valento, Councilmember
<b>SECONDER:</b>	Leif Erickson, Councilmember
<b>AYES:</b>	Bain, Husnik, Valento, Erickson, Roberts
<b>ABSENT:</b>	